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| APPLICATION NO.      | FILING DATE                         | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------|-------------------------------------|----------------------|---------------------|------------------|
| 09/893,792           | 06/28/2001                          | Mikko Kanerva        | P1382US00           | 7109             |
|                      | 7590 12/08/200<br>G MORI & STEINER, | EXAMINER             |                     |                  |
| 918 Prince Stree     |                                     | DANIEL JR, WILLIE J  |                     |                  |
| Alexandria, VA 22314 |                                     |                      | ART UNIT            | PAPER NUMBER     |
|                      |                                     |                      | 2617                |                  |
|                      |                                     |                      |                     |                  |
|                      |                                     |                      | NOTIFICATION DATE   | DELIVERY MODE    |
|                      |                                     |                      | 12/08/2009          | ELECTRONIC       |

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

| Office Action Summary   |   | plication No.   | Applicant(s)   | Applicant(s)   |  |  |  |
|---|---|---|--|----------------|--|--|--|
|   |   | /893,792  | KANERVA, MIKK  | KANERVA, MIKKO |  |  |  |
|   |   | aminer  | Art Unit   |                |  |  |  |
|   | WI  | LLIE J. DANIEL JR   | 2617   |                |  |  |  |
| The MAILING DATE of this con<br>Period for Reply  | nmunication appears   | on the cover sheet with   | the correspondence a   | ddress         |  |  |  |
| A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM TI  - Extensions of time may be available under the proafter SIX (6) MONTHS from the mailing date of thi  - If NO period for reply is specified above, the maxir  - Failure to reply within the set or extended period for Any reply received by the Office later than three mearned patent term adjustment. See 37 CFR 1.70 | HE MAILING DATE visions of 37 CFR 1.136(a). It is communication. In the statutory period will apper reply will, by statute, cause on the after the mailing date | OF THIS COMMUNICATION IN NO EVENT, HOWEVER, MAY A REPORT OF THE STATE | ATION. If you be timely filed  HS from the mailing date of this of NDONED (35 U.S.C. § 133). | ·              |  |  |  |
| Status  |   |   |  |                |  |  |  |
| 1) Responsive to communication(   | s) filed on 31 Augus  | t 2009  |  |                |  |  |  |
| 2a) This action is <b>FINAL</b> .   | ·   |   |  |                |  |  |  |
| <b>'</b>  | / <del></del>   |   |  |                |  |  |  |
| •   | closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.   |   |  |                |  |  |  |
| Disposition of Claims   | ·   | •   | •  |                |  |  |  |
| ·   | in the application  |   |  |                |  |  |  |
| ,   | Claim(s) <u>73-108</u> is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.                                       |   |  |                |  |  |  |
| 5) Claim(s) is/are allowed.   | _ 13/arc WitharaWith  | om consideration.   |  |                |  |  |  |
| 6) Claim(s) is/are rejected.  |   |   |  |                |  |  |  |
| 7) Claim(s) is/are rejected.  | to  |   |  |                |  |  |  |
| 8) Claim(s) <u>73-108</u> are subject to  |   | oction requirement  |  |                |  |  |  |
| o) Claim(s) <u>73-700</u> are subject to  | estriction and/or ele   | ection requirement.   |  |                |  |  |  |
| Application Papers  |   |   |  |                |  |  |  |
| 9)☐ The specification is objected to  | by the Examiner.  |   |  |                |  |  |  |
| 10)☐ The drawing(s) filed on is   | s/are: a)∏ accepte  | d or b)□ objected to by   | y the Examiner.  |                |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   |   |   |  |                |  |  |  |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  |   |   |  |                |  |  |  |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  |   |   |  |                |  |  |  |
| Priority under 35 U.S.C. § 119  |   |   |  |                |  |  |  |
| 12) Acknowledgment is made of a calcal All b) Some * c) None  1. Certified copies of the pr  2. Certified copies of the pr  3. Copies of the certified copies of the application from the Inter  * See the attached detailed Office   | of:<br>ority documents ha<br>ority documents ha<br>pies of the priority d<br>national Bureau (PC  | ve been received.<br>ve been received in Ap<br>ocuments have been re<br>CT Rule 17.2(a)).   | plication No<br>eceived in this National   | l Stage        |  |  |  |
| Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Rev.  3) Information Disclosure Statement(s) (PTO/SI Paper No(s)/Mail Date   |   | Paper No(s)/  | mmary (PTO-413)<br>Mail Date<br>ormal Patent Application                                     |                |  |  |  |

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## **DETAILED ACTION**

This action is in response to applicant's amendment filed on 31 August 2009. Claims 73 108 are now pending in the present application and claims 1-72 are canceled.

## Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. New **claims 73-90**, drawn to a method and apparatus for receiving a request and determining location information, classified in class 455, subclass 456.2.
  - II. New claims 91-108, drawn to a method and apparatus for a mobile switching center to establish a connection based on location information, classified in class 455, subclass 456.5.
- 3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different modes of operation. Invention I is directed to a method and apparatus receiving a request and determining location information and Invention II is directed to a mobile switching center to establish a connection based on location information.
- 4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

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(a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

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If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

## Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr 01 December 2009

/Charles N. Appiah/ Supervisory Patent Examiner, Art Unit 2617